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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/533,842 | 05/04/2005 | Ian Clarke | P/3653-12 | 6092 |
| 2352 | 7590 | 09/19/2007 | | |
| OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | EXAMINER WIEST, PHILIP R | |
| | | | ART UNIT 3761 | PAPER NUMBER |
| | | | MAIL DATE 09/19/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|---|--|
| Office Action Summary | Application No. 10/533,842 | Applicant(s)  CLARKE ET AL. | |
| | Examiner Phil Wiest | Art Unit 3761 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/15/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,9-11,15,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9-11,15,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/07 has been entered.

Response to Amendment

2. In the amendment filed 8/15/07, applicant amended claims 1, 2, and 4, and added new claim 20.

3. Claims 1, 2, 4, 7, 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Laing (CA 2,083,555).

4. With respect to Claims 1, 2, and 4, Laing discloses an apparatus 10 for controlled dispensing of a liquid from a flexible bag 40 comprising a chamber 20 adapted to contain the flexible bag 40, and an outlet (48 and 49) adapted to receive an outlet conduit 45 communicating with the flexible bag 40. A source of gas 58 is arranged to release gas into the chamber 20, applying pressure to the exterior walls of the flexible bag 40, and a pressure regulator 50 is operable to self-regulate the pressure applied to

the bag throughout the dispensing process, thus causing fluid to be dispensed from the bag in a controlled manner. The pressure regulator 50 comprises a microprocessor 56, an air pump 58, and a transducer 55. Regarding Claim 2, the air bag portion 30 of the chamber 20 is substantially air tight. The outlet (48 and 49) comprises a clamp 28 and a needle 29 adapted to seal the chamber (Page 11, Lines 3-26), and the gas supply 58 is operable to supply gas under pressure to the interior of the chamber 20. The pressure regulator 50, which comprises air pump 58, microprocessor 56, and pressure transducer 55, is arranged to regulate the flow of gas from the source to the chamber (Page 12, Lines 15-20).

5. With respect to Claims 4 and 19, Laing further discloses that the source of gas 58 is connected to an inflatable bladder 30 such that the inflatable bladder is in contact with at least a portion of the exterior wall of the air bag 40. See Figure 1. Regarding newly added claim 19, the pressure regulator is operable to regulate the flow of gas from the source into the inflatable bladder (Page 7, Lines 14-26).

6. With respect to Claim 7, Laing discloses that the inflatable bladder 30 comprises an inflatable sock positioned and operable to wrap around at least a portion of the flexible bag 40 (see Figure 1). An "inflatable sock" is interpreted by the examiner as being any type of bag that is capable of being filled with air.

7. With respect to Claims 10 and 11, Laing discloses that the source of gas is a reservoir 35 pressurized by a pump 58 (see Figure 1). The pump 58 is controlled by the microprocessor 56 in order to change the pressure in the inflatable bladder, thus controlling the flow rate of fluid from the flexible medical supply bag.

8. With respect to Claim 20, Laing discloses that the apparatus comprises a first chamber 10 comprising a flexible bag and a second chamber (50, 52) comprising the source of gas (air pump 58) and the pressure regulator 50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laing (CA 2,083,555) in view of Keime (GB 2,165,312).

With respect to Claim 9, Laing discloses the portable injector of claim 1 (see rejection above) wherein air is pumped into the chamber 30 by pump 58. Laing does not disclose that the source of gas comprises a pressure vessel of precompressed gas. Keime discloses a portable injector comprising a compressed gas source 18 that injects gas into a chamber to initiate fluid flow. The device further comprises a pressure regulator 23 that is capable of controlling the amount of air infused into the chamber, thus controlling fluid flow. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the portable injector of Laing with the pressurized gas source of Keime in order to provide an alternate means for pressurizing the chamber to create fluid flow from the bag. The use of pressurized gas sources to pressurize a chamber is well established in the art of fluid flow.

With respect to Claim 15, Laing discloses the portable injector of Claim 1 and that the chamber 10 has a depth significantly less than the length and width of the chamber (see Figure 1). Laing, however, does not disclose that the pressure vessel and pressure regulator are located alongside the chamber in a common housing. Keime discloses a portable injector wherein the pressure vessel 18 and pressure regulator (21, 23) are located alongside the chamber 4 in a common housing arranged in a cuboidal configuration such that the pressure vessel and pressure regulator are contained within the depth of the housing (see Figures 1 and 2). Repositioning the pressure vessel and regulator within the chamber housing will improve the portability of the device. Additionally, integration of components and changes of shape are mere matters of design choice and do not represent a patentable improvement over the prior art. See MPEP § 2144.04.

Response to Arguments

9. Applicant's arguments filed 8/15/07 have been fully considered but they are not persuasive. Applicant argues that the Laing reference does not disclose a pressure regulator that is self regulating. The pressure regulator disclosed by Laing comprises a means 64 for measuring the pressure in the bag and is capable of controlling the pressure based on the measured pressure. Laing's pressure regulator is therefore "self-regulating." Additionally, feedback control systems are usually self-regulating, in that they automatically control an aspect of a system based on the output of a sensor.

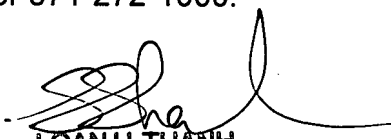
10. Furthermore, any type of system that *regulates pressure at a predetermined level* must have an element that ensures that the predetermined pressure is achieved. Therefore, any type of *regulator* will act as a feedback device to ensure that the system is behaving as intended.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phil Wiest whose telephone number is (571) 272-3235. The examiner can normally be reached on 8:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on (571) 272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LOAN H. THANH
PRIMARY EXAMINER

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